

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1300 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
	<ol style="list-style-type: none">1. For orders on CMA No. 10075/19.2. For orders on CMA No. 10076/19.3. For hearing of CMA No. 8205/17.4. For hearing of CMA No. 8483/17.5. For hearing of CMA No. 12175/17.6. For hearing of CMA No. 13786/17.7. For hearing of CMA No. 14125/17.8. For hearing of CMA No. 14126/179. For hearing of CMA No. 16536/17.10. For hearing of CMA No. 5653/18.

08.10.2019.

Mr. Jawad A. Sarwana, Advocate for Plaintiff.
Mr. Azhar Maqbool Shah, Advocate for Defendant No.1 a/w
Mr. Ch. Muhammad Iqbal, Advocate.

1-2. Notice.

3 to 10. At the very outset Counsel for defendant No.1 has raised an objection that this matter may not be heard by this Bench as earlier while deciding a connected J.M. No.59/2017, this Bench has already expressed its view in favor of the Plaintiff as to the merits of the case. Such a request at the very outset is not appreciable, is rather contumacious. It is not the prerogative of a litigant to look for, and hunt a Bench of his choice. In fact this request on this ground appears to be mala fide and bad intentioned. It is not that if one proceedings are decided against a party by a particular Bench, then it becomes a right for that party to seek transfer of all of its cases from that Bench to another Bench. It is also settled law that any observations during any proceedings or for that matter in some other case can never be treated as a final opinion for some other case. As far as I recall the other proceedings in the said J.M. were never touching upon the merits of the

case, at least. Therefore, this does not find favor that for such reasons this case may not be heard by this Bench.

However, since an objection of such nature has been raised, which is to be deprecated; but if this matter is proceeded and decided in favor of the other party by this Bench, then perhaps this will be a sole ground for Defendant No.1 to rely upon and agitate in Appeal; hence, it may prejudice the case of the Plaintiff.

Therefore, keeping in view this fact alone, I am not inclined to hear this matter any further, and it shall not be fixed before me; but according to roster on the next date.

To come up on **29.10.2019**. Interim order, passed earlier, to continue till the next date of hearing.

J U D G E

Ayaz P.S.